

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION**

**MEMORANDUM**

TO: John Robertus  
Executive Officer

SUBJECT: Response to Comments on tentative Order No. R9-2002-179

DATE: August 7, 2002

FROM: Mo. Lahsaie

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1. *Comment:* The commentor provided information to clarify the project description for the Pacific Highlands Ranch (Subarea III) Subarea Plan, Pardee Homes ownership, and Phases 3 and 4. The commentor provided acreage and the number of proposed residential units for each portion of the project, and clarified that the area labeled “Not a Part” on Figure 2 of the Fact Sheet had been purchased by Pardee Homes and was included in the application as part of Phase 3. The commentor also noted that the discussion of mitigation in the Project Description section of the Fact Sheet was from the originally submitted application and did not reflect changes as a result of negotiations with the Army Corps of Engineer and Regional Board.

*Response:* The project description in Finding No. 1 and within the Fact Sheet was corrected to reflect the commentors description. Figure 2 of the Fact Sheet was replaced with an updated figure that removed the “Not a Part” label and boundary. The description of required mitigation within the Fact Sheet was changed to reflect the current mitigation plan.

2. *Comment:* The second (last) paragraph of the Discharge Description of the Fact Sheet states that temporary impacts will result from trenching for five proposed connections to existing sewers. Not all of the trenching is for sewer connections, some are for utility lines. Also, some of the trenches will not be backfilled and replanted as some of the crossings will be constructed within proposed trails. The commentor then suggests revisions for the paragraph.

*Response:* The Fact Sheet was changed per the commentors suggestion.

3. *Comment:* The commentor provided two changes for the Basis for Tentative Waste Discharge Requirements for the Fact Sheet. The first change was to clarify that the runoff management plan would apply to Pardee’s ownership, and the second was to clarify that the City of San Diego may not mitigate for 1.5 acres of impacts from SR-56 within the Pacific Highlands Ranch area.

*Response:* The Fact Sheet was changed per the commentors suggestion.

4. *Comment:* Figure 2 of the Fact Sheet shows Pardee's ownership in Pacific Highlands Ranch. The area labeled "Not a Part" is the Brown Parcel, which Pardee purchased and has incorporated into the plans and submitted as part of Phase 3. The "Not a Part" notation should be removed.

*Response:* Figure 2 of the Fact Sheet was replaced with an updated figure that removed the "Not a Part" label and boundary.

5. *Comment:* Again, we wish to clarify that authorization is sought only for Phases 3 and 4 of Pardee's ownership and control on Pacific Highlands Ranch.

*Response:* Findings No. 1 and No. 2 were modified to indicate that the requirements apply only to Phases 3 and 4.

6. *Comment:* The commentor noted that Finding No. 2 should indicate that the project is Phase 3 and 4.

*Response:* Findings No. 1 and No. 2 were modified to indicate that the requirements apply only to Phases 3 and 4.

7. *Comment:* The commentor provided language from the Final EIR that addressed Best Management Practices that would be used during the rainy season, and asked that the language be included in the tentative Order.

*Response:* Finding No. 10 was changed per the commentors suggestion.

8. *Comment:* The commentor wished to clarify again that the runoff management plan applied only to Pardee's ownership within the Pacific Highlands Ranch area. The commentor also requested the inclusion of language that would limit the use of Fossil Filters to where they were permitted and that the Master Homeowners Association be included as an entity responsible for drain inlet filter maintenance.

*Response:* Finding No. 11 was changed to reflect that the runoff management plan applies to the portion of Pacific Highlands Ranch owned by Pardee Homes. The Master Homeowners Association was also added as an entity that may be responsible for drain inlet filter maintenance. The request to limit drain inlet filters to "where permitted" was not included as the commentor did not clarify who would be responsible for permitting the filters, and the extent to which this limitation could impact water quality.

9. *Comment:* On February 28, 2002 the name of the applicant was formally changed from Pardee Construction Company to Pardee Homes.

*Response:* The discharger's name was changed in tentative Order No. R9-2002-179 and in the Fact Sheet.

10. *Comment:* Mitigation Provisions paragraphs 2 and 3 of the tentative Order require submittal of a final mitigation and monitoring plan. This plan has been submitted and was approved during the permitting of Phases 1 and 2 of the development. Construction of the mitigation has already been implemented.

Sub-paragraph 2a states that the created and restored areas must possess all three wetland criteria necessary to be delineated as a Corps jurisdictional area. The mitigation plan is intended to create/restore wetlands and riparian habitat. Of the 15.75 acres being created/restored for the Pacific Highlands Ranch project, 2.16 acres are meant to be wetlands, meeting the Corp's three-parameter test for wetlands. The remainder of the mitigation is meant to be non-wetland riparian habitat.

Sub-paragraph 2e states that monitoring of the mitigation will require two transects per acre. The mitigation plan submitted call for 16 transects (one per acre).

Paragraph 8 requires that a conservation easement be placed over the mitigation area no later than 60 days after completion of the installation. Previous agreements with the City already cover the disposition of the mitigation areas, which are to be incorporated into the City's MHPA. Upon final map approval, Pardee gives the City a conservation easement over the property. Upon the mitigation meeting the success criteria, the property is deeded to the City.

*Response:* Requirements contained within tentative Order No. R9-2002-179 were not removed because the discharger had already submitted the material as part of a previously permitted project. Following adoption of the order, staff will review the submittals to ensure they meet all the requirements contained within the order.

Mitigation provisions 2a and 2e were changed per the commentors suggestions.

Paragraph 8 was not changed as this does not appear to conflict with the City's requirements. The City requires a conservation easement once the final maps are approved; this would most likely happen before mitigation installation is completed.

11. *Comment:* Paragraph C4 of the tentative Order requires submittal of a Water Quality Plan. We believe that the Runoff Management Plan, previously submitted to you, details all of the information asked for in this paragraph.

This paragraph also requires the discharger to notify the Regional Board in writing at least 30 days prior to starting each project component, including mitigation. Please be advised that work on the mitigation has already commenced.

*Response:* Requirements contained within tentative Order No. R9-2002-179 were not removed because the discharger has already submitted the material. Following adoption of the order, staff will review the submittals to ensure they meet all the requirements contained within the order. The Regional Board understands that because mitigation was

designed, and will be implemented, for the entire Pacific Highlands Ranch project area, that some of the mitigation has already started.